

(Pub. L. 87-608, Aug. 24, 1962, 76 Stat. 405.)

§ 304. Disposal of lands acquired by devise

The General Services Administration is authorized to take custody, for disposal as excess property under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], of such lands as have been or may hereafter be acquired by the United States by devise.

(Mar. 3, 1903, ch. 1007, 32 Stat. 1112; Oct. 31, 1951, ch. 654, § 4(8), 65 Stat. 709.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of excess government property are classified to chapter 10 (§ 471 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section is based on act Mar. 3, 1903, popularly known as the "Sundry Civil Appropriation Act, fiscal year 1904". It superseded a provision of act Aug. 7, 1882, ch. 433, § 1, 22 Stat. 319, which authorized the Secretary of the Treasury to "sell such lands as have been acquired by devise," etc.

AMENDMENTS

1951—Act Oct. 31, 1951, amended section generally. Prior to amendment, section authorized Secretary of the Treasury to sell the type of lands described upon such terms and after public notice by advertisement as he might deem best for the public interest.

CROSS REFERENCES

Disposition of real property located outside of the District of Columbia, see section 304a of this title.

§ 304a. Disposition of surplus real property; assignment to governmental agency; lease; sale

Notwithstanding any other provisions of law, whenever any real property located outside of the District of Columbia, exclusive of military or naval reservations, heretofore or hereafter acquired by any Federal agency, by judicial process or otherwise in the collection of debts, purchase, donation, condemnation, devise, forfeiture, lease, or in any other manner, is, in whole or in part, declared to be in excess of its needs by the Federal agency having control thereof, or by the President on recommendation of the Administrator of General Services, the Administrator of General Services is authorized (a) to assign or reassign to any Federal agency or agencies space therein: *Provided*, That if the Federal agency to which space is assigned does not desire to occupy the space so assigned to it, the decision of the Administrator of General Services shall be subject to review by the President; or (b) pending a sale, to lease such real property on such terms and for such period not in excess of five years as he may deem in the public interest; or (c) to sell the same at public sale to the highest responsible bidder upon such terms and after such public advertisement as he may deem in the public interest: *Provided, further*, That if no bids which are satisfactory as to price and responsibility of bidder are received as

a result of such public advertisement, the Administrator of General Services is authorized to sell such property by negotiation, upon such terms as may be deemed to be to the best interest of the Government, but at a price not less than that bid by the highest responsible bidder. (Aug. 27, 1935, ch. 744, § 1, 49 Stat. 885; July 18, 1940, ch. 635, §§ 1, 3, 54 Stat. 764, 765; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

AMENDMENTS

1940—Act July 18, 1940, inserted last proviso and substituted "Federal Works Administrator" for "Secretary of the Treasury" and "Commissioner of Public Buildings" for "Director of Procurement".

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, and functions of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency, office of Federal Works Administrator, office of Commissioner of Public Buildings, and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949 set out as an Effective Date note under section 471 of this title.

CROSS REFERENCES

Lands of certain recreational demonstration projects as subject to sections 304a, 304b to 304e of this title, see sections 459r to 459t of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-1, 304a-2, 304b, 304d, 304e of this title; title 16 section 459t.

§ 304a-1. Expenses of sale; maintenance

There are authorized to be appropriated such amounts as may be necessary to cover the costs incident to the sale or lease of real property, or demolition of buildings thereon as hereinafter authorized, which have been or may hereafter be declared surplus to the needs of any Federal agency in accordance with the provisions of sections 304a to 304e of this title, and the care, maintenance, and protection thereof, including, but not limited to pay of employees, travel of Government employees, brokers' fees not in excess of rates paid for similar services in the community where the property is situated, appraisals, photographs, surveys, evidence of title and perfecting of defective titles, advertising, and telephone and telegraph charges: *Provided, however*, That a Federal agency shall remain responsible for the proper care, maintenance, and protection of the aforesaid property, notwithstanding any declaration that the same is in excess of its needs until such time as custody is assumed by the Administrator of General Services or other disposition is made thereof.

(Aug. 27, 1935, ch. 744, § 6, as added July 18, 1940, ch. 635, § 2, 54 Stat. 764; amended June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works